

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

FREEDOM FROM RELIGION )  
FOUNDATION, INC., ANNE NICOL )  
GAYLOR, ANNIE LAURIE GAYLOR, )  
PAUL GAYLOR, DAN BARKER, )  
PHYLLIS ROSE, and JILL DEAN, )

Plaintiffs, )

v. )

PRESIDENT BARACK OBAMA, )  
WHITE HOUSE PRESS SECRETARY )  
ROBERT L. GIBBS, WISCONSIN )  
GOVERNOR JIM DOYLE, and SHIRLEY )  
DOBSON, CHAIRMAN OF THE )  
NATIONAL DAY OF PRAYER TASK )  
FORCE, )

Defendants. )

Case No. 08-CV-588

**AFFIDAVIT OF JOEL L. OSTER**

Under Penalty of perjury, the Affiant states as follows:

1. I am an adult resident of the state of Kansas who presently lives in Johnson County.
2. I am employed by the Alliance Defense Fund as Senior Legal Counsel.
3. In my capacity as a Senior Legal Counsel, I represent Defendant Shirley Dobson, Chairman of the National Day of Prayer Task Force ("Defendant Dobson") in the above-captioned matter.
4. Exhibit 1 is a true and correct copy of Plaintiffs' Responses to Defendant Dobson's First Set of Interrogatories, which was served on her on August 25, 2009.

5. Exhibit 2 is a true and correct unsigned copy of Plaintiffs' Responses to Defendant Wisconsin Governor Jim Doyle's First Set of Interrogatories, which was served on her on August 28, 2009.

6. Exhibit 3 is a true and correct unsigned copy of Plaintiffs' Responses to Defendants President Barack Obama and Press Secretary Robert L. Gibbs' First Set of Interrogatories, which was served on her on August 24, 2009.

7. Defendant Dobson has attached the responses that the Plaintiffs served on her on August 24, 25, and 28, 2009, which were purported to be the Plaintiffs' responses. Plaintiffs' counsel represented that these were the responses, and that he would be providing the signed copies. On October 5, 2009, Plaintiffs' counsel provided the signed interrogatory responses, without mentioning that they were substantively different than what was previously provided to counsel. It was not until October 8, that one of the Defendants' attorneys recognized that there were substantive differences between what was first provided as the interrogatory responses, and the signed versions. So on October 8, an email was sent to Plaintiffs' counsel trying to ascertain what versions of the interrogatory responses were correct. Because this happened just one day before dispositive motions were due, and because the undersigned counsel had prepared this motion in reliance on what was purported to be the Plaintiffs' responses, the unsigned versions of the Plaintiffs' responses are attached.

8. Exhibit 4 is a true and correct signed copy of the Affidavit of David Butts in Support of Defendant Shirley Dobson's Motion for Summary Judgment, dated October 9, 2009.

**VERIFICATION**

Dated: October 9, 2009

**DECLARATION UNDER PENALTY OF PERJURY**

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury under the laws of the United States, that the foregoing is true and correct.

/s Joel Oster  
Joel Oster

**CERTIFICATE OF SERVICE**

I hereby certify that on October 9, 2009, I electronically filed a copy of the above using the ECF System for the Western District of Wisconsin, which will send notification of that filing to all counsel in this litigation who have entered an appearance, including counsel for plaintiffs.

/s/Joel Oster  
Joel Oster